

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

<p>TANYA JOHNSON,</p> <p style="text-align: right;">Plaintiff(s),</p> <p>vs.</p> <p>DEPARTMENT OF THE AIR FORCE NELLIS AIR FORCE BASE, et al.,</p> <p style="text-align: right;">Defendant(s).</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 2:14-cv-00631-RFB-NJK</p> <p>ORDER GRANTING MOTION TO STAY DISCOVERY</p> <p>(Docket No. 20)</p>
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Pending before the Court is the United States’ unopposed motion to stay discovery pending resolution of its motion to dismiss. Docket No. 20; *see also* Docket No. 15 (motion to dismiss). The Court finds this motion properly decided without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the motion to stay discovery is hereby **GRANTED**.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

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¹ Conducting this preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not intended to prejudice its outcome. *See id.*

